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AN ACT  
RELATING TO HEALTH AND SAFETY; CLARIFYING PROVISIONS OF THE  
SAFE HAVEN FOR INFANTS ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 24-22-1 NMSA 1978 (being Laws 2001,  
Chapter 31, Section 1 and Laws 2001, Chapter 132, Section 1)  
is amended to read:

"24-22-1. SHORT TITLE.-- Chapter 24, Article 22 NMSA  
1978 may be cited as the "Safe Haven for Infants Act"."

Section 2. A new section of the Safe Haven for Infants  
Act is enacted to read:

"PURPOSE.--The purpose of the Safe Haven for Infants Act  
is to promote the safety of infants and to immunize a parent  
from criminal prosecution for leaving an infant, ninety days  
of age or less, at a hospital. This act is not intended to  
abridge the rights or obligations created by the federal  
Indian Child Welfare Act of 1978 or the rights of parents."

Section 3. Section 24-22-2 NMSA 1978 (being Laws 2001,  
Chapter 31, Section 2 and Laws 2001, Chapter 132, Section 2)  
is amended to read:

"24-22-2. DEFINITIONS.--As used in the Safe Haven for  
Infants Act:

A. "hospital" means an acute care general hospital  
or health care clinic licensed by the state;

1           B. "Indian child" means an Indian child as defined  
2 by the federal Indian Child Welfare Act of 1978;

3           C. "infant" means a child no more than ninety days  
4 old, as determined within a reasonable degree of medical  
5 certainty; and

6           D. "staff" means an employee, contractor, agent or  
7 volunteer performing services as required and on behalf of  
8 the hospital."

9           Section 4. Section 24-22-3 NMSA 1978 (being Laws 2001,  
10 Chapter 31, Section 3 and Laws 2001, Chapter 132, Section 3)  
11 is amended to read:

12           "24-22-3. LEAVING AN INFANT.--

13           A. A person may leave an infant with the staff of  
14 a hospital without being subject to criminal prosecution for  
15 abandonment or abuse if the infant was born within ninety  
16 days of being left at the hospital, as determined within a  
17 reasonable degree of medical certainty, and if the infant is  
18 left in a condition that would not constitute abandonment or  
19 abuse of a child pursuant to Section 30-6-1 NMSA 1978.

20           B. A hospital may ask the person leaving the  
21 infant for the name of the infant's biological father or  
22 biological mother, the infant's name and the infant's medical  
23 history, but the person leaving the infant is not required to  
24 provide that information to the hospital.

25           C. The hospital is deemed to have received consent SB 225  
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1 for medical services provided to an infant left at a hospital  
2 in accordance with the provisions of the Safe Haven for  
3 Infants Act or in accordance with procedures developed  
4 between the children, youth and families department and the  
5 hospital."

6 Section 5. Section 24-22-4 NMSA 1978 (being Laws 2001,  
7 Chapter 31, Section 4 and Laws 2001, Chapter 132, Section 4)  
8 is amended to read:

9 "24-22-4. HOSPITAL PROCEDURES.--

10 A. A hospital shall accept an infant who is left  
11 at the hospital in accordance with the provisions of the Safe  
12 Haven for Infants Act.

13 B. In conjunction with the children, youth and  
14 families department, a hospital shall develop procedures for  
15 appropriate staff to accept and provide necessary medical  
16 services to an infant left at the hospital and to the person  
17 leaving the infant at the hospital, if necessary.

18 C. Upon receiving an infant who is left at a  
19 hospital in accordance with the provisions of the Safe Haven  
20 for Infants Act, the hospital may provide the person leaving  
21 the infant with:

22 (1) information about adoption services,  
23 including the availability of private adoption services;

24 (2) brochures or telephone numbers for  
25 agencies that provide adoption services or counseling

1 services; and

2 (3) written information regarding whom to  
3 contact at the children, youth and families department if the  
4 parent decides to seek reunification with the infant.

5 D. A hospital shall ask the person leaving the  
6 infant whether the infant has a parent who is either a member  
7 of an Indian tribe or is eligible for membership in an Indian  
8 tribe, but the person leaving the infant is not required to  
9 provide that information to the hospital.

10 E. Immediately after receiving an infant in  
11 accordance with the provisions of the Safe Haven for Infants  
12 Act, a hospital shall inform the children, youth and families  
13 department that the infant has been left at the hospital.  
14 The hospital shall provide the children, youth and families  
15 department with all available information regarding the child  
16 and the parents, including the identity of the child and the  
17 parents, the location of the parents and the child's medical  
18 records."

19 Section 6. Section 24-22-5 NMSA 1978 (being Laws 2001,  
20 Chapter 31, Section 5 and Laws 2001, Chapter 132, Section 5)  
21 is amended to read:

22 "24-22-5. RESPONSIBILITIES OF THE CHILDREN, YOUTH AND  
23 FAMILIES DEPARTMENT.--

24 A. The children, youth and families department  
25 shall be deemed to have emergency custody of an infant who

1 has been left at a hospital according to the provisions of  
2 the Safe Haven for Infants Act.

3 B. Upon receiving a report of an infant left at a  
4 hospital pursuant to the provisions of the Safe Haven for  
5 Infants Act, the children, youth and families department  
6 shall immediately conduct an investigation, pursuant to the  
7 provisions of the Abuse and Neglect Act.

8 C. When an infant is taken into custody by the  
9 children, youth and families department, the department shall  
10 make reasonable efforts to determine whether the infant is an  
11 Indian child. If the infant is an Indian child:

12 (1) the child's tribe shall be notified as  
13 required by Section 32A-1-14 NMSA 1978 and the federal Indian  
14 Child Welfare Act of 1978; and

15 (2) pre-adoptive placement and adoptive  
16 placement of the Indian child shall be in accordance with the  
17 provisions of Section 32A-5-5 NMSA 1978 regarding Indian  
18 child placement preferences.

19 D. The children, youth and families department  
20 shall perform public outreach functions necessary to educate  
21 the public about the Safe Haven for Infants Act, including  
22 developing literature about that act and distributing it to  
23 hospitals.

24 E. An infant left at a hospital in accordance with  
25 the provisions of the Safe Haven for Infants Act shall

1 presumptively be deemed eligible and enrolled for medicaid  
2 benefits and services."

3 Section 7. Section 24-22-7 NMSA 1978 (being Laws 2001,  
4 Chapter 31, Section 7 and Laws 2001, Chapter 132, Section 7)  
5 is amended to read:

6 "24-22-7. PROCEDURE IF REUNIFICATION IS SOUGHT.--

7 A. A person established as a parent of an infant  
8 previously left at a hospital shall have standing to  
9 participate in all proceedings regarding the child pursuant  
10 to the provisions of the Abuse and Neglect Act.

11 B. If a person not previously established as a  
12 parent seeks reunification with an infant previously left at  
13 a hospital and the person's DNA indicates parentage of the  
14 infant, that person shall have standing to participate in all  
15 proceedings regarding the infant pursuant to the provisions  
16 of the Abuse and Neglect Act."

17 Section 8. REPEAL.--Section 24-22-6 NMSA 1978 (being  
18 Laws 2001, Chapter 31, Section 6 and Laws 2001, Chapter 132,  
19 Section 6) is repealed. \_\_\_\_\_